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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,253	08/05/2003	Howard Wayne Hall	05690-00620	7094

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EXAMINER

BOCHNA, DAVID

ART UNIT PAPER NUMBER

3679

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,253

Applicant(s)

HALL, HOWARD WAYNE

Examiner

David E. Bochna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-9 and 19-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson et al.

In regard to claim 1 and 19, Anderson et al. discloses a gas service riser assembly comprising:

an outer ductile pipe 30;

a plastic pipe 26 having open ends disposed within said outer ductile pipe and extending through one end thereof;

a hollow rigid stiffener 50 disposed within the interior of a portion of said plastic pipe within said outer ductile pipe;

a gasket 42 positioned around the exterior of said plastic pipe adjacent to said stiffener; and

a crimp 56 formed in said outer ductile pipe adjacent to said stiffener and said gasket whereby said outer ductile pipe is compressed against said gasket, said plastic pipe and said stiffener to thereby form a seal between said plastic pipe and said ductile outer pipe.

In regard to claims 3 and 20, the outer ductile pipe 30 is a metal pipe.

In regard to claims 4 and 21, wherein said outer ductile pipe 30 is a steel pipe.

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In regard to claims 5 and 22, wherein said outer ductile pipe 30 is metal tubing.

In regard to claims 6 and 23, said outer ductile pipe 30 is steel tubing.

In regard to claims 7 and 24, said hollow rigid stiffener 50 is formed of metal.

In regard to claims 8 and 25, and includes a plurality of radial serrations 51 along the outside length thereof.

In regard to claims 9 and 26, said hollow rigid stiffener is positioned in the open end of said plastic pipe within said outer ductile pipe and includes a flange that extends radially outwardly from said plastic pipe to a position near said outer ductile pipe and adjacent to said crimp.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. in view of Alewitz.

In regard to claims 2 and 10 Anderson et al. discloses a riser assembly as described above. Anderson et al. also discloses placing a second gasket around the plastic tube adjacent to the bottom of the outer ductile pipe, but does not disclose that the gasket is crimped between the inner and outer tubes. Alewitz teaches that attaching a second gasket 60' at the bottom 18 of an outer ductile pipe, through crimping, is common and well known in the art. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made

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to make the second gasket connection of Anderson et al. a crimp fitting, because the practice of doing so is common and well known, as demonstrated by Alewitz.

In regard to claim 11, wherein said outer ductile pipe is a steel pipe.

In regard to claim 12, said outer ductile pipe is steel tubing.

In regard to claim 13, said hollow rigid stiffener is formed of metal.

In regard to claim 14, and includes a plurality of radial serrations 51 along the outside length thereof.

In regard to claim 15, said gasket 42 positioned around the exterior of said plastic pipe adjacent to said stiffener is a rubber gasket.

In regard to claim 16, wherein said second gasket 60' is a rubber gasket.

In regard to claim 17, wherein said open end of said outer pipe above ground is adapted to be connected to a gas meter 24.

In regard to claim 18, wherein said open end of said plastic pipe below ground is adapted to be connected to a source of gas.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

A handwritten signature in black ink, appearing to read "David Bochna". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David Bochna
Primary Examiner
Art Unit 3679
June 24, 2004